IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 3954 of 2002

Between:

Lion Ajit Nair, Past President, Lions Club of Secunderabad. Region II, Zone III, Dist. 234 C3. Club Code: 051257, ID No. 5450, Vivekanandapuram, Sainikpuri, Secunderabad.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Malkajgiri, Ranga Reddy District.
2 The Commissioner, Malkajgiri Municipality,
Malkajgiri, Ranga Reddy District.
3 The District Collector,
Ranga Reddy District at Lakdikapool, Hyderabad.
4 The Secretary to Government of A.P., Revenue Department,
Secretariat, Hyderabad.
5 The Secretary to Government of A.P., Municipal Administration and Urban Development Department,
Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus; calling for the records and remarks from the Respondents herein, in and connected to: (1) allottment of entire water body of approximately 25 acres existing in survey No.212/1 and 213/1 and also a park of Malkajgiri Village, Ranga Reddy District to hundreds of hut dwellers converting the site into a slum area; (2) Non

construction of any retention wall to preserve the water body; and to pass appropriate orders directing the Respondents to prevent the conversion of water body into a residential slum and to remove the huts forthwith for preserving the ground water level in Malkajgiri beltand developing it as a tourist spot in the interest of justice, and to pass such other order or further orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:TAKEN UP Petition

Counsel for the Respondent Nos. 1, 3 & 5: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2 :Mr.V.Viswanatham

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

The President, Lions Club of Secunderabad Vivekanandapuram, Secunderabad, sent a representation to this Court about the encroachment on water body of 25.00 acres in Survey No. 212/1 and 213/1 of Malkajigiri Village, situated between Vivekanandapuram Colony and Raghaendra Nagar Colony. The same was treated as 'Public Interest Litigation', as taken up matter.

Counter affidavit has not been filed. But the Mandal Revenue Officer, Malkajigiri Mandal, has submitted his report stating that:

> "Land bearing Survey No. 212 is patta land. The Survey No. 213/1 admeasuring Ac.7.26 guntas is Government land classified as "Kharij Khata Sarkari" (Agril. Ceiling Surplus land), and out of which an extent of 1.00 acre is within Cantonment and balance left over is 6.26 acres. In this balance area of 6.26acres, an extent of about 4.26 acres is low-level area and during rainy season water will be stored in this part of land and it is not a tank or irrigation source. At present there is no water in this area. In the area of 2.00 acres, which is not low level area and no water is being stored, it was proposed for house sites. The Commissioner, Malkajigiri Municipality requested for rehabilitation of (123) hut dwellers who erected huts in the road boundary and park/open places at Anand Bagh, in Government land for widening of road. As such proposals were submitted to the Collector, Rangareddy District for rehabilitation of these hut dwellers in this 2.00 acres of Government land and after obtaining permission from the Collector, Ranga Reddy District, these hut dwellers have been rehabilitated in this land in January, 2002."

In view of the fact that there is no water body, no further directions need be issued in this petition. The writ petition is accordingly closed. No costs.

_____ DEVINDER GUPTA, CJ

Date: 6th December, 2004

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M. NARAYANA REDDY, J

Pnb

To

1 The Mandal Revenue Officer,
Malkajgiri, Ranga Reddy District.
2 The Commissioner, Malkajgiri Municipality,
Malkajgiri, Ranga Reddy District.
3 The District Collector,
Ranga Reddy District at Lakdikapool, Hyderabad.
4 The Secretary, Revenue Department,
Government of A.P., Secretariat, Hyderabad.
5 The Secretary, Municipal Administration and Urban Development

Department, Government of A.P., Secretariat, Hyderabad.

6 Two Ccs. to the Government Pleader for Municipal Administratin &

Urban Development, High Court Buildings, Hyderabad. (OUT)

7 Two C.D. copies